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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,892	03/31/2000	Miyuki Kawataka	FUJG 17.068	2040

26304 7590 02/12/2004

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EXAMINER

MUNOZ, GUILLERMO

ART UNIT	PAPER NUMBER
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2634

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DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/540,892

Applicant(s)

KAWATAKA, MIYUKI

Examiner

Guillermo Munoz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8, 9 and 14 is/are rejected.
- 7) ☒ Claim(s) 3-7 and 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Argument***

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new grounds(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 8, 9, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamamura et al. (US Patent Number 6,535,566).

Regarding claim 1; Tamamura et al. disclose all the subject matter claimed, as follows: elements 1 and 2 of figure 4 anticipate claimed synchronization pattern

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detecting unit; step S1 and S5 of figure 7 anticipate claimed detecting a first pattern and a second pattern; the synchronizing signal of figure 3 anticipates claimed predetermined synchronization pattern; step S65 of figure 20 anticipate claimed first frame synchronizing unit, synchronizing with the first pattern at the first position of the input data; step S75 of figure 24 anticipate claimed second frame synchronizing unit synchronizing with the second pattern at the second position of the input data; and step S9 of figure 7 anticipates claimed controls the first frame synchronizing unit to operate in accordance with the second position. The limitation of "first error detecting unit that detects that the first position is different from the position of the predetermined synchronization pattern" in claim 1 does not define a patentably distinct invention over that in Tamamura et al. since both the invention as a whole and Tamamura et al. are directed to comparing the first synchronization detection unit with a synchronization pattern having superior accuracy. The degree of accuracy presents no new or unexpected results, so long as the first synchronization detection unit corrects to the second synchronization detection unit, as long as the patterns compared are not equal. Therefore, to have the first synchronization unit compared to a predetermined synchronization pattern would have been routine experimentation and optimization in the absence of criticality.

Regarding claim 2, Tamamura et al. further teach the claimed subject matter "wherein... differ from each other" in Col. 2, lines 22, lines 22-24.

Regarding claim 8, see claim 1.

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Regarding claim 9, Tamamura et al. further teach the claimed subject matter “wherein...differ from each other” in element 65 of figure 20 and element 75 of figure 24.

Regarding claim 14, Tamamura et al. further teach the claimed subject matter “comprising...based on bit error with respect to the first pattern” in element 45 of figure 20.

### ***Claim Objections***

3. Claims 3- 7 and 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

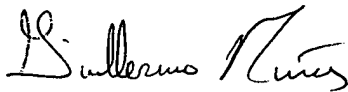
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Munoz whose telephone number is 703-305-4224. The examiner can normally be reached on Monday-Friday 8:30a.m-4:30p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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